IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 21868 of 2004

Between:

Yeddu Somaiah, S/o Yeddu Venkaiah,
R/o Balemla Village, Suryapet Mandal,
Nalgonda District.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Suryapet Mandal, Nalgonda District.
2 The District Collector, Nalgonda, Nalgonda District.
3 Sivarathri Butchi Ramulu, S/o Gangaiah,
R/o Balemla Village, Suryapet Mandal, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus directing the Respondents No.1 and 2 to take appropriate action as per the provisions of A.P. Water, Land and Trees Act, 2002 against the bore well dug by the 3rd Respondent herein nearer to the bore well of the Petitioner situated in Survey No. 201 and 202 of Balemla Village, Suryapet Mandal,Nalgonda District by declaring the action of the Respondents No.1 and 2 in not taking any action pursuant to the representation dated 17-8-2004 submitted by the petitioner as illegal and arbitrary

Counsel for the Petitioner:MR.A.PRABHAKAR RAO

Counsel for the Respondent Nos. 1 & 2: GP FOR REVENUE

The Court at the admission stage made the following :

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THE HONOURABLE SRI JUSTICE N.V.RAMANA

W.P.No.21868 of 2004

ORDER:

The case of the petitioner is that he is the owner of the land to an extent of Ac.3.00 in Sy.No.201 and 202 situated at Balemla village, Suryapet Mandal, Nalgonda District, and that he dug a bore well about 18 yeas back and cultivating the land by drawing water from the bore well. It is stated by the petitioner that the 3rd respondent, who is having lands adjacent to his land, without obtaining prior permission from the competent authority, dug a bore well very near to his bore well i.e., within a distance of 250 meters. As a result, the bore well of the petitioner completely dried up. Consequently, the petitioner made a representation dated 17.8.2004 to respondents 1 and 2 requesting them to take appropriate action in accordance with law against the 3rd respondent for digging the bore well near to his bore well. However, the respondents have not taken any action so far. Hence, the writ petition.

Heard the learned Counsel for the petitioner and the learned Government Pleader for Revenue appearing on behalf of the respondents, and both of them agreed for disposal of the writ petition at the stage of admission.

Having regard to the facts and circumstances of the case, I consider it appropriate to dispose of the writ petition directing the respondents to consider and

dispose of the representation dated 17.8.2004 filed by the petitioner, after issuing notice and opportunity of hearing to the third respondent.

The writ petition is accordingly disposed of. No costs.

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N.V.RAMANA, J

30TH NOVEMBER, 2004

Gsn.

To

1 The Mandal Revenue Officer, Suryapet Mandal, Nalgonda District.
2 The District Collector, Nalgonda, Nalgonda District.
3 2 Ccs to the G.P. for Revenue,High Court ofAP,Hyderabd(OUT)

4 2 CD copies.

THE HONOURABLE SRI JUSTICE N.V.RAMANA

W.P.No.21868 of 2004

30-11-2004